THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No.26254 of 2007
Dated:11.12.2007

Between:
Nunela Mukha Lingam, S/o.Late Nunnala Buggodu.

…Petitioner

and

The District Collector, Srikakulam,
and others.

…Respondents

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ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

In this writ petition the petitioner seeks a direction by way of mandamus to declare the action of the respondents in taking steps to dispossess him from the land admeasuring Ac.1.44 cents in Survey No.306/1A situated at Borramambapuram Village of L.N.Peta Mandal in Srikakulam District as illegal and arbitrary.

It is submitted by the learned Counsel for the petitioner that the petitioner was the owner and possessor of the land totally admeasuring Acs.3.94 cents in the said survey number, and on earlier occasion an extent of Ac.1.50 cents was notified for providing house sites to weaker sections. It is stated that now presently, he is in occupation of the land admeasuring Ac.1.44 cents. It is his grievance that there is a proposal to acquire the left over piece of land admeasuring Ac.1.44 cents for the purpose of house sites, and it is submitted that even before proceedings were initiated under the Land Acquisition Act, 1894 (the Act, for brevity), the respondents are interfering with his possession and asked him not to raise second crop

in the above said land.

Even according to the petitioner, except this apprehension, as on today there is no notification for acquisition of the left over piece of land admeasuring Ac.1.44 cents in Survey No.306/1A. In the absence of any preliminary notification issued under Section 4(1) of the Act, the respondents cannot interfere with the possession of the petitioner. While it is open to the respondents to notify the land, in case it is needed for any public purpose, at the same time, even before notification is issued under Section 4(1) of the Act, the respondents cannot direct the petitioner not to raise any second crop in the land in question.

In view of the above circumstances, this Writ Petition is disposed of directing the respondents not to interfere with the possession of the petitioner and allow the petitioner to cultivate the land covered by Survey No.306/1A admeasuring Ac.1.44 cents, which is left over after acquisition in the earlier round. It is made clear that if the said land is required for any public purpose, it is open to the respondents to proceed in accordance with the provisions of the Act and take steps accordingly.

Subject to the above directions, this writ petition is disposed of. There shall be no order as to costs.

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(R.SUBHASH REDDY, J)

11.12.2007
Note: Issue C.C today.
B/o.
vs